IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 11TH AUGUST 2006 / 20TH SRAVANA 1928

Bail Appl..No. 4784 of 2006

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ST.1/2001 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONERS/ACCUSED 1 & 2

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1. K.S.JOSEPH, S/O.DEVASSY,
   KALATHIPARAMBIL, MARKET ROAD,
   ERNAKULAM.

2. DEVASSY, AGED YEARS,
   KALATHIPARAMBIL, MARKET ROAD, ERNAKULAM.

BY ADV. SRI.C.K.SAJEEV

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE FOOD INSPECTOR, CORPORATION OF
   COCHIN, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 4784/2006**

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**DATED THIS THE 11TH DAY OF AUGUST, 2006**

**O R D E R**

The petitioners are accused 1 and 2, in S.T.No.1/2001 on the file of the Chief Judicial Magistrate Court, Ernakulam. The petitioners were absent before the Court below, on 5.7.2006. The Local Health authority was present for examination, on that day. However, because of the wrong noting of the date by the counsel, neither the counsel nor the petitioners, accused 1 and 2, were present before the Court below nor was there any representation from the counsel. Therefore, the Court below not only issued a non bailable warrant against the petitioners but it also cancelled the bail of the petitioners.

2. The learned counsel submitted that the petitioners were present on almost all the posting dates. The petitioners are the father and son, the former being a person aged about 85 years. They were always present in the Court, except on few occasions. The learned counsel

produced the copy of the proceedings, before this Court.

3. In the facts situation of the case, I direct the petitioners to appear before the Court below on 18.8.2006 at 11.00 a.m. The petitioners shall be released on bail, on each petitioner executing shall execute a separate bond for Rs.20,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Chief Judicial Magistrate Court, Ernakulam.

4. I make it clear that the petitioners should be present on all the posting dates without failure, so that the trial of the case could be completed, as per the schedule that may be fixed by the learned Magistrate.

The application is disposed of as above.

**J.M.JAMES**
**JUDGE**

mrcs